

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TROY DAVID SMITH,) Case No. CV 08-05789-DOC (DTB)

Petitioner, } ORDER ADOPTING FINDINGS,
vs. } CONCLUSIONS AND
} RECOMMENDATIONS OF UNITED
} STATES MAGISTRATE JUDGE

SMELOSKY, Warden,

Respondent.

Case No. CV 08-05789-DOC (DTB)

ORDER ADOPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Respondent. }

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. Objections to the Report and Recommendation have been filed herein. Having made a de novo determination of those portions of the Report and Recommendation to which objections have been made, the Court concurs with and adopts the findings, conclusions and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that Judgment be entered denying the First Amended Petition and dismissing this action with prejudice.

DATED: April 10, 2010

David O. Carter

**DAVID O. CARTER
UNITED STATES DISTRICT JUDGE**